

STATEMENT OF
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to the
Subcommittee on Legislative Branch
of the House Committee on Appropriations

Mister Chairman and Members of the Subcommittee:

Thank you for the opportunity to appear before you to present the budget request of the Office of the Law Revision Counsel (Office) for fiscal year 2021. The Office was "established in the House of Representatives" by section 205 of House Resolution No. 988, Ninety-third Congress, which was enacted into permanent law by Public Law 93-554. The Office continues to fulfill its mission and appreciates the continuing support given to us by the Subcommittee and Congress.

Mission

The OLRC serves the House of Representatives, Congress as a whole, the legal community, and the general public by producing and maintaining the United States Code, which is the official codification of the general and permanent statutory law of the United States. The mission of the OLRC is to make the United States Code "the free Code of choice" for the Hill community and the general public by ensuring that the official Code is the most accurate and accessible version available, whose currency rivals or exceeds the versions produced by the private sector.

Budget Request

For fiscal year 2021, I am requesting \$3,469,000 for the Office to sustain operations with respect to existing personnel and ongoing technology needs.

Continuing Operations.--The amount of \$3,469,000 represents a 1.46 percent increase over the amount appropriated by the Further Consolidated Appropriations Act, 2020, Public Law 116-94. This amount will allow for the continuation of current personnel, including salary adjustments, routine maintenance and replacement of equipment, and the continuation of service contracts for editorial work and technical support.

House Modernization Project.--Work progresses on the House Modernization Project begun at the behest of House leadership. While no additional funding for the House Modernization Project is being requested in the Office's fiscal year 2021 budget, the replacement of the antiquated technology currently used for publishing is a priority. The Office continues to work with the Office of the Clerk and with the Composition System Replacement Group of the Government Publishing Office (GPO), supporting their efforts to develop the ability to maintain congressional data in United States Legislative Markup (USLM) and publish directly from USLM files, both online and in print.

Functions of the Office

The principal functions of the Office are specified by chapter 9A of title 2 of the United States Code. They are: (1) to maintain and keep current the official version of the Code, and (2) to prepare legislation to enact individual titles of the Code into positive law.

Maintaining the United States Code

The United States Code contains the general and permanent laws of the United States, organized into titles by subject matter. The two primary tasks in maintaining the Code are classifying new laws and updating the text.

Classifying New Laws.—Every law enacted by Congress is read in its entirety by a number of attorneys to identify the general and permanent provisions and any amendments that should be classified to the Code and to decide where in the Code they should be placed. The Office gives the highest priority to this classification function, and the classification of a law is normally completed by the time it is signed by the President. While thoroughness and accuracy are the prime concerns, speed is also important so that classifications can be posted online and the required edits be executed in the Code online and made available to the public as quickly as possible.

Updating the Text.—Updating the text of the Code includes not only integrating new statutory provisions into existing text, but also preparing extensive editorial material enabling users to find, track, and understand the updates. This editorial material includes statutory citations and amendment notes to help track the legislative history, notes to explain such things as effective dates, cross references appearing in text, and a variety of other matters, tables to indicate the status of statutory provisions and their location in the Code, and an index. A number of Federal court rules and executive documents are also prepared and published as they are often closely connected to statutory material.

The Office publishes the Code, in both searchable and downloadable versions, on its public website and updates it continuously throughout the legislative year. The Office also publishes, in printed form, a complete new version of the Code once every six years and annual cumulative supplements in the intervening years.

Timeliness of Publication; Improvements in Organization

Timely Publication.—The timely update of a publication of the size and complexity of the Code is a challenging task and depends heavily on the training and expertise of the staff of the Office. The Office places a high priority on retaining existing staff and also seeks to retain the services of retired employees by contracting with them for part-time work. As a result of the efforts of experienced staff, the Office has consistently published online updates in a timely manner without sacrificing the high level of accuracy that is expected and demanded of the official United States Code.

The Office maintains a current, easily accessible online Code in addition to producing the print Code. The Office continues to streamline its editorial practices to tailor them for an online publication that is continuously updated throughout a congressional session. The Office updated the Code online approximately 30 times during the First Session of the 116th Congress. Bulk data is made available for download in a variety of formats (XML, XHTML, PDF, and locator text files) with every update. Updates to the main table indicating the status of statutory provisions and their location in the Code, which have traditionally been published at the end of each congressional session, are now being made more frequently to correspond with publication of updates to the Code text. The Office continues to strive for timely updates of the Code through innovative editorial practices that take advantage of emerging technological possibilities.

Improvements in Organization.—As part of its ongoing mission to produce both a useful and a usable Code, the Office undertakes reclassification projects to identify areas of law that have become difficult to navigate or convert into XML and to improve their organization. Past projects have improved the organization of laws in the Code relating to congressional officers and employees in title 2; relating to national security in title 50, which included the elimination of obsolete laws in the former Appendix to title 50; relating to crime control and law enforcement, which resulted in the creation of a new editorial title 34; and relating to voting and elections, which resulted in the creation of a new editorial title 52. In addition, selected laws relating to agriculture in title 7, Indians in title 25, and public lands in title 43 have been reorganized and particular chapters of those titles streamlined. The Office also carries out smaller reorganization projects as needed, such as the transfer of several provisions of the Higher Education Act of 1965 that were previously part of another act from title 42 to title 20. More detailed information on these projects is available at <http://uscode.house.gov/editorialreclassification/reclassification.html>. In addition to carrying out the reclassification projects themselves, the Office drafts and submits bills that amend existing statutory references so that they reflect the newly reorganized provisions.

Positive Law Codification

The second principal function of the Office is to prepare legislation to enact individual titles of the United States Code into positive law as required by 2 U.S.C. 285b. The Code currently consists of 27 positive law titles and 26 non-positive law titles (one title is reserved). A positive law title is a title that has been enacted into law by Congress in the form of a title of the Code. In contrast, a non-positive law title is an editorial compilation by the Code editors (the Office of the Law Revision Counsel or its predecessors) of various acts separately enacted into law by Congress.

Positive law codification is a complex process. It may take a codification attorney a year or more to prepare a codification bill for introduction. There is an extensive period for comment and review as the draft bill is prepared and submitted to the House Committee on the Judiciary. Congressional committees, Government agencies, legal experts, and members of the public are invited to review and comment on the bill to ensure that the meaning and effect of the law as restated in the new title remains unchanged and to achieve the best possible organizational structure for the new title.

If revisions are required after the bill is introduced in the House, the codification attorneys prepare the necessary amendments. The codification attorneys may prepare a new version of the draft bill, which is then reported by the Committee on the Judiciary as an amendment in the nature of a substitute. Typically, the bill is passed by the House under suspension of the rules. In the Senate, the bill goes to the Committee on the Judiciary and the process continues until the bill is passed by the Senate, typically by unanimous consent. In most cases, a codification bill must be updated several times for new legislation and reintroduced in several Congresses before finally being enacted. The codification attorneys are involved throughout the process, working with the staffs of House and Senate committees, Government agencies, and others to perfect the bill and move it toward enactment.

In the second session of the 116th Congress the Office is updating and resubmitting twelve bills to the Committee on the Judiciary. The bills were previously submitted to the Committee, but not enacted, in the first session of the 116th Congress and in prior Congresses. Seven of the bills are codification bills, and the other five are bills to update statutory references. The Office is also working on several new codification projects.

House Modernization Project

No additional funding for the House Modernization Project is being requested in the Office's fiscal year 2021 budget, but the work is ongoing. The House Modernization Project was originated in 2012 as a set of interrelated projects being undertaken by the House Office of the Law Revision Counsel and the House Office of the Legislative Counsel in consultation with representatives from the Committee on House Administration, the Legislative Computer Systems branch of the Office of the Clerk, and the Acquisitions Management branch of the Office of the Chief Administrative Officer.

In the Office of the Law Revision Counsel, work on the House Modernization Project proceeds in three stages. In the first stage, a conversion tool was designed and implemented to enable the Office to convert the United States Code into XML. Since July 2013, the Office has made the Code available for use and bulk download in XML through the Office's website.

In the second stage, a new system for codification bills was designed and implemented to enable the Office to produce codification bills and associated material in XML. The old production tools were outdated. The new production tools enable the Office to draft bills in XML. In the summer of 2015, the new system was delivered. It is being used for live production work, and refinements are underway to continue to improve functionality.

In the third stage, a new system for editing and updating the United States Code is being designed and implemented. Currently, the Office uses a specialized suite of internally developed software programs to edit and update the Code. The current methodology works well to promote accuracy and efficiency, but it is an outdated, MicroComp-based system. So long as the old system is used to edit and update the Code, the Code must be converted into XML for public distribution and use by other congressional offices. Work is currently underway to design and implement the new system for editing and updating the Code in XML.

USLM is a state-of-the-art schema developed as part of the Office's work on the House Modernization Project. The USLM schema is designed to be extensible, and it is increasingly being considered as an emerging standard for maintaining congressional data. Congress needs to replace the antiquated technology currently used for publishing, and the Office continues to work with the Office of the Clerk and with GPO's Composition System Replacement Group, supporting their efforts to develop the ability to maintain congressional data in USLM and publish directly from USLM files, both online and in print.

Website for the United States Code

The budget request includes an amount for continuing maintenance of the website. Upgrades to the search engine for the United States Code database and the user interface of the Office's website were released during fiscal year 2011, fiscal year 2013, and fiscal year 2017. Critical updates for the software supporting the backend of the website were deployed during fiscal year 2020. Significant enhancements have been made in recent years in the availability of bulk data downloads from the website. Each time the Code is updated, current bulk data is made available for download in a variety of formats (XML, XHTML, PDF, and locator text files). The website also provides information to users about positive law codification bills, editorial reclassification projects, and frequently asked questions about the Code. The services of the contractor will be required to maintain the website and address minor functionality issues. When the House Modernization Project has been completed and the Office has acquired the ability to maintain and produce Code data in XML, the website will again be upgraded to provide related improvements to users.

Conclusion

Thank you for giving me the opportunity to present the fiscal year 2021 budget request of the Office of the Law Revision Counsel and for the Subcommittee's support for the Office. This support has enabled the Office to maintain, update, and improve the United States Code. I will be pleased to respond to any questions that you may have.